

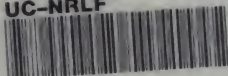
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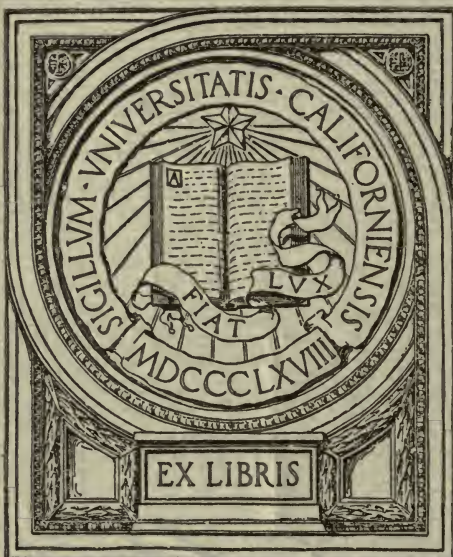
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UNIVERSITY

Proposed Charter for the City of Sandusky, Ohio

PREPARED AND SUBMITTED BY THE CHARTER COMMISSION



DATE OF ELECTION
TUESDAY, JULY 28, 1914

from 5:30 a. m. to 5:30 p. m.

Central Standard Time

(COPY OF BALLOT)

MUNICIPAL CHARTER BALLOT AN ELECTION

To Determine—Shall the Proposed Charter as formulated by the Charter Commission, as per resolution passed by the Council of the City of Sandusky, Erie County, Ohio, May 25th, 1914, be adopted.

	For the Adoption of the Charter for Sandusky, Ohio, as submitted by the Charter Commission elected July 30th, 1913.
	Against the Adoption of the Charter for Sandusky, Ohio, as submitted by the Charter Commission elected July 30th, 1913.

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To the Voters of the City of Sandusky, Ohio:

The Charter Commission of the City of Sandusky, Ohio, duly conscious of the responsibility imposed upon it by the electors of the municipality have, after mature and deliberate study and debate, finally incorporated within the provisions of the following proposed charter those principles, which in its best judgment are designed to preserve to the city's people as a whole the things essentially best for a government in this day to attain to the highest standards of impartiality and efficiency.

The Commission hereby respectfully calls attention to some of the more important and distinctive features embodied in the charter submitted, viz:

(1) It provides "Home Rule" for Sandusky, thus freeing the city from control and interference by the state legislature in purely local matters.

(2) It places the administration of the city's affairs and the whole responsibility therefor in the hands of a Commission of five citizens who are directly accountable to the people, thus avoiding the shifting of duties among public officials.

(3) It provides for the election of the Commissioners at large upon a NON-PARTISAN ballot nominated by petition without a primary election. The Commissioners are the ONLY officials elected by the people.

(4) It provides for the Initiative, Referendum and the Recall. The latter affords a quick and effective method of removing incompetent or dishonest officials.

(5) It expressly prohibits a candidate for office from circulating his own petition or soliciting votes.

(6) It provides for the appointment of a "City Manager," a person to be selected by the Commission on account of his experience and peculiar fitness to administer the affairs of the city under the direction of the Commission and who is directly responsible for his acts to the people through the Commission. All subordinate officers and employees of the city are in turn appointed by the "City Manager" and upon merit and fitness alone, thus tending to develop and provide trained public servants.

(7) It establishes additional safe-guards and checks upon the finances and accounting officers of the city and the maintenance of a perpetual inventory of all of the city's property so necessary to guard against waste of property and unnecessary purchases.

(8) It guards against granting vicious special privileges or franchises.

(9) It enables the people upon a majority voice therefor to purchase, establish, own and control public utilities.

(10) It aims to promote better civil service regulations, to insure continuance in office of competent employes and the resulting advantages thereof to the city.

(11) It provides a simple and adequate method for amending the charter to meet any extraordinary future needs of the city.

The large affirmative vote by which the Charter Commission was elected less than a year ago justifies the presumption that the people of Sandusky want a new form of government and in this belief the Commission acting in unison has proposed this charter which it respectfully urges every elector of Sandusky to examine, study and support.

Respectfully submitted,
THE CHARTER COMMISSION.

CHARTER

Of the City of Sandusky, Ohio

Powers of the City

Section 1. Name and Powers.

Form of Government

Section 2. Statement of Form.

The City Commission

- Section 3. Creation and Powers.
- Section 4. Qualifications.
- Section 5. Vacancies.
- Section 6. Salary and Bonds.
- Section 7. President.
- Section 8. Municipal Bonds.
- Section 9. Clerk and Employees.
- Section 10. Meetings.
- Section 11. Penalty for Absence.
- Section 12. Legislative Procedure.
- Section 13. Ordinance Enactment.
- Section 14. Emergency Measures.
- Section 15. Record and Publication.
- Section 16. Price and Mode of Publication.

Administrative Officers and Departments

- Section 17. City Solicitor.
- Section 18. Department of Finance and Audits.
- Section 19. Accounting Procedure.
- Section 20. Assessments and Licenses.
- Section 21. Payment of Claims.
- Section 22. Certification of Funds.
- Section 23. Money in the Fund.
- Section 24. Emergencies.
- Section 25. Purchasing Agent.
- Section 26. Sinking Fund Trustees.
- Section 27. Civil Service.
- Section 28. Other Boards and Departments.
- Section 29. Advisory Boards.
- Section 30. Salaries and Bonds.
- Section 31. City Manager. Appointment.
- Section 32. Powers and Duties.
- Section 33. Head of Departments.
- Section 34. Platting Commissioner.

Improvement—Contracts

- Section 35. Limitation of Assessments.
- Section 36. Improvements by Direct Labor.
- Section 37. Sewer, Water and Gas Connections.
- Section 38. Expenditures in Excess of \$500.
- Section 39. Time of Making Contracts.
- Section 40. Modification of Contracts.
- Section 41. Bids in Excess of Estimate.
- Section 42. Contracts—When Void.
- Section 43. General Disqualifications.

Elections

- Section 44. Time of Holding Elections.
- Section 45. Ballots.
- Section 46. Petitions for Place on Ballot.
- Section 47. Acceptance.
- Section 48. Election.
- Section 49. General Laws to Apply.

Appropriations

- Section 50. The Estimate.
- Section 51. Appropriation Ordinance.
- Section 52. Revision of Appropriations.
- Section 53. Transfer of Funds.
- Section 54. Uncumbered Balances.

Franchises

- Section 55. Grants Limited.
- Section 56. Period of Grants.
- Section 57. Assignment.
- Section 58. Right of Purchase.
- Section 59. Extension by Annexation.
- Section 60. Right of Regulation.
- Section 61. Forfeitures.
- Section 62. Accounts and Reports.
- Section 63. Grants not Included.
- Section 64. General Provisions.

Initiative and Referendum

- Section 65. State Laws to Apply.

The Recall

- Section 66. Recall Petitions.
- Section 67. Notice.
- Section 68. Recall Election.
- Section 69. Ballots.
- Section 70. Filling of Vacancies.
- Section 71. Counting the Vote.
- Section 72. Effect of Resignations.
- Section 73. Miscellaneous Provisions.
- Section 74. Offenses Relating to Pétitions.

Miscellaneous Provisions

- Section 75. General Laws to Apply.
- Section 76. Audit and Appraisal.
- Section 77. Ordinance Continued in Force.
- Section 78. Continuance of Present Officers.
- Section 79. Continuance of Contracts and Vested Rights.
- Section 80. Oath of Office.
- Section 81. Hours of Labor.
- Section 82. Amendment of Charter.
- Section 83. Saving Clause.
- Section 84. When Charter Takes Effect.

CHARTER

CHARTER OF THE CITY OF SANDUSKY, OHIO

We, the people of the City of Sandusky, Ohio, pursuant to the provisions of the Constitution of the State of Ohio, extending to municipalities the privilege of "Home-rule," in order to secure for ourselves and posterity practical and efficient methods in administering the affairs of the City, to protect the interests and insure the continued general welfare of the community and to enjoy all the privileges of local self-government, do adopt this charter.

POWERS OF THE CITY

Sec. 1. The inhabitants of the City of Sandusky, Ohio, as its limits now are or hereafter may be established, shall continue to be a body politic and corporate, to be known and designated as "The City of Sandusky, Ohio" and as such shall have perpetual succession. It shall have, and may exercise, all powers which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein; and no enumeration of particular powers by this charter shall be held to be exclusive.

FORM OF GOVERNMENT

Sec. 2. The form of government provided in this Charter shall be known as the "Commission-Manager Plan," and shall consist of a Commission of five citizens, who shall be elected at large in manner hereinafter provided. The City Commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations, appoint a chief administrative officer to be known as the "City Manager," and exercise all powers hereinafter provided.

CITY COMMISSION

CREATION AND POWERS

Sec. 3. There is hereby created a City Commission to consist of five electors of the city elected at large, who shall hold office for a term of four years beginning January first, after their election, excepting that the two members elected at the first election, by the lowest vote shall hold office for the term of two years only.

All the powers of the city, except such as are vested in the Board of Education and except as otherwise provided by this charter or by the constitution of the state, are hereby vested in the City Commission; and, except as otherwise prescribed by this Charter or by the constitution of the state, the City Commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the state applicable to municipalities.

QUALIFICATIONS

Section 4. Each member of the City Commission, for at least three years immediately prior to his election shall have been, and during his term of office shall continue to be, a resident of the city of Sandusky, Ohio, and shall have the qualifications of an elector therein. He shall not hold any other public office or employment except in the State Militia, except as otherwise provided in this charter, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any Commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office, and any such contract in which any member is or may become interested may be declared void by the City Commission.

No candidate for the office of City Commissioner shall make any personal canvass among the voters to secure his nomination or election, or the nomination or election of any other candidate at the same election, whether for municipal, county, state or other office. He may cause notice of his candidacy to be published in the newspapers, and may procure the circulation of a petition for his nomination; but he shall not personally circulate such petition, nor by writing or otherwise solicit any one to support him or vote for him. He shall not expend or promise any money, office, employment, or other thing of value to secure a nomination or election; but he may answer such inquiries as may be put to him and may declare his position publicly upon matters of public interest, either by addressing public meetings or by making written statements for newspaper publication or general circulation. A violation of these provisions, or any of them, shall disqualify him from holding the office, if elected; and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office.

VACANCIES

Sec. 5. Any vacancy in the City Commission, except as otherwise provided in this charter, shall be filled by the remaining members by the vote of at least three. If the term of the office so filled does not expire for two years or more after the next regular municipal election following such vacancy, and such vacancy occurs in time to permit it, an additional City Commissioner shall then be elected; and, of those City Commissioners elected at such election the one having the lowest vote shall succeed such appointee and serve the unexpired term. In the event of more than one vacancy to be so filled by election the same provisions shall apply.

If, by reason of resignations, deaths, failure to elect, or other circumstance, three or more vacancies exist or occur at the same time in said City Commission, or if said City Commission fails to fill any vacancy within ten days after the same occurs, then the trustees of the sinking fund shall make such number of appointments as may be necessary to constitute a City Commission of three qualified members, which three members shall at once proceed to fill the remaining vacancies as hereinbefore provided. The clerk of the trus-

tees of the sinking fund shall cause his certificate of their action to be entered on the journal of the City Commission.

SALARY AND BONDS

Sec. 6. The salary of each City Commissioner shall be \$400 a year payable in equal monthly installments; and each City Commissioner shall give bond in the sum of \$5000 with some bonding company regularly accredited to do business in the state of Ohio as surety thereon, to the approval of the Sinking Fund Trustees; and the premium of each bond shall be paid by the city. The bonds of the City Commissioners shall be filed with the Trustees of the Sinking Fund.

PRESIDENT

Sec. 7. The City Commission shall at the time of organizing elect one of its members as president and another as vice-president for terms of two years. In case the members of the City Commission within five days after the time herein fixed for their organization meeting, are unable to agree upon a president or a vice-president of such City Commission, then a president, or a vice-president or both as the occasion may require, shall be elected from all the members of such City Commission by lot conducted by the City Solicitor; who shall certify the result of such selection by lot upon the journal of the City Commission.

The president shall preside at all meetings of the City Commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and vote in its proceedings, but no veto. He may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general law of the state so requires; but this shall not be construed as conferring upon him the administrative functions of a mayor under the general laws of Ohio, but he shall have the judicial functions of a mayor under the laws of Ohio until such time as such judicial functions can or may be by and under authority of the constitution and general laws of the state performed by some other officer appointed or elected for that purpose. In addition to the salary hereinbefore provided for members of the City Commission, the President shall receive \$600.00 annually, payable monthly, during such time as he shall be vested with judicial powers.

The President of the City Commission shall be recognized as the official head of the city by the courts for the purpose of serving civil process, by the Governor for the purpose of military law, and for all ceremonial purposes. He may take command of the police and govern the city by proclamation during times of public danger or emergency, and he shall himself be judge of what constitutes such public danger or emergency. However such a public danger or emergency proclamation of the President of the City Commission may be terminated at any time by an affirmative vote of three members of the City Commission. The powers and duties of the President shall be such as are conferred upon him by this charter, together with such others as are conferred by the City Commission in pursuance of the provisions of this charter, and no others.

If the president be temporarily absent from the city, or become

temporarily disabled from any cause, his duties shall be performed during such absence or disability by the vice-president. In the absence of both president and vice-president the other members of the city commission shall select one of their number to perform the duties of president.

MUNICIPAL BONDS

Sec. 8. The City Commission shall, subject to all the limitations of and in the manner prescribed by the general laws of Ohio, have the same power and authority to issue the bonds of the municipality as is vested by said laws in City Councils, except, that in cases of municipal bond issues requiring the approval of the electors of the municipality, such bonds may and shall be issued and sold, if a majority of the voters voting at the election upon the question of issuing such bonds, vote in favor thereof.

CLERK AND EMPLOYES

Sec. 9. The City Commission shall appoint a clerk who shall be known as the Clerk of the City Commission, and who shall keep a record of the proceedings of the City Commission and perform such other duties as may be prescribed by this charter or by the City Commission. It may also appoint and employ such other officers and employes of its body as are necessary.

MEETINGS

Sec. 10. The City Commission shall meet on the first day of January, following a regular municipal election, at the usual place of holding the meetings of the legislative body of the city, at which time the newly elected City Commissioners shall assume the duties of their office. Thereafter the City Commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each week. The president, any two members of the City Commission, or the City Manager, may call a special meeting of the City Commission upon at least twelve hours written notice to each member, served personally or left at his usual place of residence. All meetings of the City Commission shall be public and any citizens shall have access to the minutes and records thereof at all reasonable times. The City Commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

PENALTY FOR ABSENCE

Sec. 11. For each absence of a City Commissioner from a regular meeting of the City Commission, there shall be deducted a sum equal to two per cent of the annual salary of such member. Absence from five consecutive regular meetings shall operate to vacate the seat of a member unless the absence is excused by and entered upon the journal of the City Commission.

LEGISLATIVE PROCEDURE

Sec. 12. A majority of all the members elected to the City Commission shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least three of the members

shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

ORDINANCE ENACTMENT

Sec. 13. Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the City Commission shall be "Be it ordained by the City Commission of the City of Sandusky, Ohio." The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of Sandusky, Ohio."

No ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money or the levying of a tax, or for the purchase, lease, sale or transfer of property, unless it be an emergency measure or unless otherwise provided by this charter, shall be passed until it has been read at two regular meetings not less than one week apart, or the requirement for such reading has been dispensed with by an affirmative vote of four of the members of the City Commission. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

EMERGENCY MEASURES

Sec. 14. All ordinances and resolutions passed by the City Commission shall be in effect from and after thirty days from the date of their passage, except that the City Commission may, by an affirmative vote of four of its members, pass emergency measures to take effect at the time indicated therein.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

RECORD AND PUBLICATION

Sec. 15. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the clerk of the City Commission. Every ordinance of a general or permanent nature shall be published once within ten days after its final passage in the manner hereinafter provided.

Ordinances and resolutions providing for public improvements, to pay the cost of which special assessments are to be made, need not

be published; but within ten days after the passage of each a notice shall be published as follows, the same being in addition to the notice required by law to be served on the property owners.

As to the resolution declaring the necessity of the proposed improvement, a notice shall be published headed "Notice of Public Improvement," stating when the same was adopted by the city commission, and setting forth the general nature and the extent of such improvement including any change of street grade that is to be made, what part of the cost thereof is to be assessed against the property to be especially benefitted thereby, and when water, gas or other street connections must be made.

As to the ordinance determining to proceed with the improvement, a notice shall be published headed "Notice of Determination to Proceed with Public Improvement," stating when the City Commission adopted the same, describing the character and extent of the improvement in general terms, and setting forth within what time assessments on property specially benefited may be paid in cash, and for what period and at what interest bonds will be issued for that portion of the assessment not so paid.

In regard to the ordinance to provide for the issue of bonds, a notice shall be published headed "Notice of Bond Issue for Public Improvement," stating when the City Commission adopted the same, describing the improvement in general terms, and stating the total amount of bonds to be issued, in what denomination, when maturing, how to be dated and numbered, the rate of interest, when and where payable, and the lowest price at which any portion of such bonds not taken by the Sinking Fund Trustees of the city, or of the city school district, will be offered at public sale. Wherever practicable notices of the same character required to be published regarding separate improvements shall be combined into one notice under a single heading.

No resolution declaring it necessary to proceed with any public improvement shall be adopted until complete plans, specifications, profiles and estimates have been submitted to the City Commission and been approved by it; and the same, or a copy thereof, shall thereafter remain on file in the office of the city engineer subject to inspection by the public.

PRICE AND MODE OF PUBLICATION

Sec. 16. All of the above mentioned publications, as well as all other newspaper publications made by the city, shall be published in a newspaper or newspapers of general circulation in the municipality, and, where legally permissible, such publication shall be made but once and in one newspaper only.

The newspaper carrying such publication shall be paid a price per inch of space used at the lowest and best rate offered. Whenever it may appear to the City Commission that the rates offered by such newspapers are unfair, such other means of securing due publicity may be employed, in lieu of newspaper advertising, as the City Commission may by resolution determine.

ADMINISTRATIVE OFFICERS AND DEPARTMENTS

CITY SOLICITOR

Sec. 17. The City Commission shall appoint a City Solicitor who shall hold office at the pleasure of the City Commission. The City Solicitor shall act as the legal adviser to, and attorney and counsel for, the municipality and all its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof; and no contract with the municipality shall take effect until his approval is thus endorsed thereon. He or his assistants shall be the prosecutor or prosecutors in any mayor's or municipal court, and shall perform, such other duties and have such assistants and clerks as the City Commission may authorize. In addition to such duties he shall perform such other duties as may be required of him by the City Commission, as well as such as may be required of City Solicitors by the general laws of the state applicable to municipalities and not inconsistent with this charter or with any ordinance or resolution that may be passed by the City Commission.

The City Solicitor shall have the power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated; but upon request of the City Commission it shall be mandatory upon the City Solicitor to make such investigation, and upon the written request therfor of not less than two members of the City Commission he shall make such investigation of the City Commission itself. In making such investigation he shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by him and shall be served by any officer authorized by law to serve such process. He shall also have power to cause testimony to be given under oath to be administered by some officer authorized by law to administer oaths; and he shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or to produce any books or paper under his control, relating to the matter under investigation.

DEPARTMENT OF FINANCE AND AUDITS

Sec. 18. There is hereby created a Department of Finance and Audits to be headed by an officer known as the City Treasurer. This office shall be held by a person especially qualified by education and experience for such position.

The City Commission shall appoint a City Treasurer, who shall hold office at the pleasure of the City Commission. The City Treasurer may be combined with that of Clerk of the City Commission or with any other office not inconsistent therewith. He shall be the custodian of all moneys of the municipality, and shall keep and preserve the same in such manner and in such place or places as shall be determined by the City Commission.

In addition to such duties he shall perform such other duties as may be required of him by the City Commission (as well as such as may be required of city treasurers and city auditors by the general law of the state applicable to municipalities) and not inconsistent with this charter or with any ordinance or resolution that may be passed by the City Commission.

He shall issue all warrants for payments of money by the city, and shall require the signature of the City Manager to all such warrants in addition to that of his own and that of the head of the department for which the money is drawn and appropriated. He shall keep an accurate account of all taxes and assessments, of all moneys due to, and all receipts and disbursements by, the municipality, of all its assets and liabilities, and of all appropriations made by the City Commission.

He may prescribe the form of reports to be rendered to his department, and the method of keeping accounts by all other departments, and he shall require daily reports to be made to him by each department, showing the receipt of all moneys by such department and the disposition thereof. Upon the death, resignation, removal, or expiration of the term of any officer, the City Treasurer shall audit or cause to be audited the accounts of such officer, and if such officer shall be found indebted to the municipality he shall immediately give notice thereof to the City Commission and the City Solicitor; and the latter shall forthwith proceed to collect the same.

Quarterly during each year, and oftener if so required by the City Commission the Department of Finance and Audits shall file with the City Commission, a complete statement of the financial condition of the municipality upon blanks to be prepared to the satisfaction of the City Commission—which blanks shall show fully and in detail the exact status of each of the city's funds, the receipts and disbursements of each department or office of the city for the quarter, and a comparative statement covering the same relative period of the two consecutive years just prior, as well as such other information as shall be required by the City Commission.

Once during each year, or oftener if so required by the City Board of Sinking Fund Trustees, it shall be the duty of the said Sinking Fund Trustees to have the department of Finance and Audits fully audited by some satisfactory firm of certified Public Accountants licensed to operate in the State of Ohio—upon receipt of such disinterested audit the board of Sinking Fund Trustees shall cause the same to be properly vouched for and signed by the Sinking Fund Trustees, who shall in turn cause the same or an abstract thereof to be published under the provisions for publication of this Charter.

The City Treasurer shall give surety bond in a company authorized to do business in Ohio in such amount as the City Commission may determine and the city shall pay the premium therefor.

ACCOUNTING PROCEDURE

Sec. 19. Accounting procedure shall be devised and maintained for the city adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash

receipts and disbursements; and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government, including distinct summaries and schedules for each public utility owned and operated.

ASSESSMENTS AND LICENSES

Sec. 20. The City Treasurer shall have charge of the preparation and certification of all special assessments for public improvements; and the mailing of notices of such assessments to property owners and all other duties connected therewith; the collection of such assessments as are payable directly to the city and the preparation and certification of all unpaid assessments to the county auditor for collection. He shall collect all fees for licenses issued under authority of the City Commission and shall pay the same into the city treasury in the manner provided by ordinance, but the City Commission shall not authorize the City Treasurer to issue licenses.

PAYMENT OF CLAIMS

Sec. 21. No warrant for the payment of any claim shall be issued by the City Treasurer unless such claim shall be evidenced by a voucher approved by the head of the department for which the indebtedness was incurred and countersigned by the City Manager. Before issuing such voucher the supplies and materials delivered, or work done, shall be duly inspected and certified to by the head of the proper department or office, or by a person designated by him. The head of each department or office shall require proper time reports for all service rendered to be certified by those having cognizance thereof, to serve as a basis for the preparation of payroll vouchers. Each head of a department and his surety shall be liable to the city for all loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city in his department. Prior to drawing of a warrant for the payment of any voucher or claim, the City Treasurer may at his discretion cause an investigation or inspection to be made by a person designated by him, and shall have power to summon persons and examine them under oath or affirmation, which oath or affirmation he may administer.

CERTIFICATION OF FUNDS

Sec. 22. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the City Commission, or be authorized by any officer of the city, unless the City Treasurer first certify to the City Commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered un-

appropriated until the city is discharged from the contract, agreement or obligation.

MONEY IN THE FUND

Sec. 23. All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or assessments, or from sales or services, products or by-products or from any city undertaking, fees, charges, accounts and bills receivable or other credits in the process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery shall, for the purposes of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

EMERGENCIES

Sec. 24. In case of emergency purchases may be made without competition, if a sufficient appropriation has theretofore been made against which such purchases may lawfully be charged. In such cases a copy of the order issued shall be filed with the City Purchasing Agent, together with a certificate by the head of the department, stating the facts of the emergency. A copy of this certificate shall also be attached to and filed with the voucher covering payment for the supplies.

PURCHASING AGENT

Sec. 25. The City Commission shall designate some officer of the city, other than the City Treasurer, to act as its Purchasing Agent, by whom all purchases of supplies for the city shall be made, and who shall approve all vouchers for the payment of the same. Such Purchasing Agent shall also conduct all sales of personal property which the City Commission may authorize to be sold as having become unnecessary or unfit for the city's use.

All purchases and sales shall conform to such regulations as the City Commission may from time to time prescribe; but in either case, if an amount in excess of five hundred (500) dollars is involved, opportunity for competition shall be given. Where purchases or sales are made on joint account of separate departments, the Purchasing Agent shall apportion the charge or credit to each department. He shall see to the delivery of supplies to each department, and take and retain the receipt of each department therefore. Until the City Commission shall otherwise provide, the City Manager of the city shall act as such Purchasing Agent.

SINKING FUND TRUSTEES

Sec. 26. The Sinking Fund Trustees shall consist of the President of the City Commission, the City Solicitor and three members appointed by the City Commission for a term of five years. The Trustees of the Sinking Fund shall manage and control the sinking fund in the

manner provided by the laws of the State of Ohio, in so far as the same are not inconsistent with the provisions of this charter. The Sinking Fund Trustees shall serve without compensation.

CIVIL SERVICE

Sec. 27. The City Commission shall establish Civil Service rules for the appointment, promotion, reduction and removal of members of the Police and Fire Departments, and may establish such rules for other departments, officers, or employees of the city. Provided however, that the Civil Service laws in force January, 1916, shall continue to be applicable to members of the Police and Fire Department until the City Commission shall provide Civil Service rules therefor, and for the purposes of this provision, the Civil Service Commission holding office at the time this Charter takes effect, shall continue in office, until such Civil Service rules are adopted by the City Commission, whereupon such Civil Service Commission shall be abolished.

OTHER BOARDS AND DEPARTMENTS

Sec. 28. All other administrative departments in existence shall continue until otherwise provided by the City Commission, and all administrative boards in charge of any administrative department of the city shall continue in office, and their successors shall be appointed as heretofore, excepting as other provision is made in this charter, or may hereafter be made by the City Commission.

The City Commission shall have authority to provide an officer whose duty it shall be to defend and furnish legal advice or other assistance in all such matters and to all such persons as the City Commission may by ordinance prescribe, and who shall perform such other duties and receive such compensation as the ordinance shall prescribe.

Excepting the officers, boards, commissioners and departments hereinbefore specially mentioned and provided for, the city commission shall have power to establish, create, combine, or abolish offices, boards, departments, or divisions when in its opinion the proper administration of the business of the city so requires.

ADVISORY BOARDS

Sec. 29. The City Commission at any time may appoint an advisory board or boards composed of citizens qualified to act in an advisory capacity to the City Commission, the City Manager or the head of any department, with respect to the conduct and management of any property, institution or public function of the city. The members of any such board shall serve for a time fixed in their appointment, or at the pleasure of the City Commission; and for such compensation, if any, as the City Commission may provide; and their duty shall be to consult and advise with such municipal officers and make written recommendations which shall become part of the records of the city.

SALARIES AND BONDS

Sec. 30. The City Commission shall fix by ordinance the salary or rate of compensation of all officers and employees of the city entitled to compensation, other than their own; and may require any

officer or employe to give a bond for the faithful performance of his duty, in such an amount as it may determine, and it may provide that the premium thereof shall be paid by the city.

CITY MANAGER

Sec. 31. The City Commission shall appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission, and who shall hold office at the pleasure of the City Commission. He shall be appointed without regard to his political beliefs and need not be a resident of the city at the time of his appointment. During the absence or disability of the City Manager the City Commission may designate some properly qualified person to execute the functions of the office.

POWERS AND DUTIES

Sec. 32. The powers and duties of the City Manager shall be:

(a) To see that the laws and ordinances are enforced.

(b) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employes of the city; all appointments to be upon merit and fitness alone.

(c) To exercise control over all departments and divisions created herein or that hereafter may be created by the City Commission except as otherwise provided in this charter.

(d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the City Solicitor, who is hereby required to take such steps as are necessary to enforce the same.

(e) To attend all meetings of the City Commission, with the right to take part in the discussions but having no vote.

(f) To recommend to the City Commission for adoption such measures as he may deem necessary or expedient.

(g) To act as Budget Commissioner and to keep the City Commission fully advised as to the financial condition and needs of the city; and

(h) To perform such other duties as may be prescribed by this Charter or be required of him by ordinance or resolution of the City Commission.

HEAD OF DEPARTMENTS

Sec. 33. Excepting the department of Finance and Audits and the officers, boards, and commissions appointed by the City Commission as hereinbefore provided, the City Manager shall appoint the heads of all departments and boards created by the City Commission, and until otherwise directed by the City Commission, the City Manager shall be the acting head of each of the departments of the city, but with the consent of, and the approval of the City Commission, the City Manager shall appoint a deputy or chief clerk to represent him in any of said departments of which he is the acting chief.

PLATTING COMMISSIONER

Sec. 34. The City Manager shall be the platting commissioner of the city and he shall exercise the authority and discharge the

duties of that office under the provisions of the general law of the state applicable thereto, except as the same may be modified by the City Commission.

IMPROVEMENTS—CONTRACTS

LIMITATION OF ASSESSMENTS

Sec. 35. In levying special assessments to pay any part of the cost of any public work or improvement, the City Commission shall not exceed any limitation as to the amount thereof which may be prescribed by the general laws of the state applicable to municipalities and in force at the time it is determined by the City Commission that any such work shall be done or improvement made. Unless for special reasons which shall be stated in the ordinance levying an assessment or providing for the issue of bonds to pay any part of the cost of any such improvement to be made pursuant to contract, no such ordinance shall be passed, or assessment levied or money borrowed, until bids for the labor and material have been received and the approximate cost of the improvement accurately determined.

IMPROVEMENTS BY DIRECT LABOR

Sec. 36. Nothing in the preceding section shall be construed to prohibit the City Commission from doing any public work or making any public improvement by the direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, but the City Commission may upon so declaring by ordinance or resolution cause any public work or improvement to be done or made in such manner.

SEWER, WATER AND GAS CONNECTIONS

Sec. 37. Before paving or otherwise surfacing or resurfacing any street or alley of the city the City Commission shall determine the time within which sewer, water, gas or other connections shall be constructed, and shall give notice thereof to the persons or corporations required to make the same, and if a person or corporation fails to make any such connection when so required no permission to make the same shall thereafter be granted within five years from the completion of any such street improvement unless with the consent of four of the City Commissioners expressed by resolution adopted at a regular meeting of the City Commission and stating the reason therefor. Nothing herein shall be construed to prohibit the City Commission from providing that such connections may be made by the city and the cost thereof assessed against the lots and lands specially benefited thereby.

EXPENDITURE IN EXCESS OF \$500

Section 38. When an expenditure other than the compensation of persons employed by the city, exceeds \$500 such expenditure shall first be authorized and directed by ordinance of the City Commission, and no contract involving an expenditure in excess of such sum shall be made or awarded except upon the approval of the City Manager and the City Commission.

TIME OF MAKING CONTRACTS

Sec. 39. The City Commission shall not enter into any contract which is not to go into full operation during the term for which all the members of such City Commission are elected.

MODIFICATION OF CONTRACTS

Sec. 40. When it becomes necessary in the opinion of the City Manager, in the prosecution of any work or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications, if made, shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and by the City Manager and approved by the City Commission.

BIDS IN EXCESS OF ESTIMATE

Sec. 41. In no instance shall contracts be let either as a whole, or in aggregate if bids for parts of the work are taken, which exceed the estimate for the improvement contemplated.

CONTRACTS—WHEN VOID

Sec. 42. All contracts, agreements or other obligations entered into and all ordinances passed, or resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void.

GENERAL DISQUALIFICATIONS

Sec. 43. No member of the City Commission, the City Manager or any other officer or employe of the city, shall directly or indirectly be interested in any contract, job, work or service with or for the city; nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the city other than his fixed compensation; and any contract with the city in which any such officer or employe is, or becomes, interested may be declared void by the City Commission.

No member of the City Commission, the City Manager or other officer or employe of the city shall accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility or engaged in business of a public nature within the city, or from any person known to him to have, or to be endeavoring to secure, a contract with the city. But the provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is, or may be, provided by ordinance.

ELECTIONS

TIME FOR HOLDING ELECTIONS

Sec. 44. The first election under this charter shall be held on the first Tuesday after the first Monday in November, 1915; thereafter regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. All nominations shall be by petition. Any matter which by the terms of the charter may be submitted to the electors of the city at any special election may be submitted at a regular municipal election.

BALLOTS

Sec. 45. The ballots used in all elections provided for in this charter shall be without party marks or designations. The whole number of ballots to be printed for the election of candidates for the office of City Commissioner shall be divided by the number of such candidates, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. The ballots shall then be combined into tablets with no two of the same order of names together. The ballots shall in all other respects conform as nearly as may be to the ballots prescribed by the general election laws of the state.

PETITIONS FOR PLACE ON BALLOT

Sec. 46. Candidates for election to the office of City Commissioner shall be nominated only by petition signed in the aggregate for each candidate by not less than five per cent of the total vote cast at the last preceeding municipal election.. The name of any elector of the city shall be printed upon the ballot if there is filed with the election authorities a petition in accordance with the following provisions, to-wit:

(a) Such petitions shall state the name and place of residence of each person whose name is presented for a place upon the ballot and that he is a candidate for the office of City Commissioner for the city of Sandusky, Ohio.

(b) Such petitions shall be signed by not less than five per cent of the total vote cast at the last preceeding municipal election.

(c) Such petitions shall contain a provision that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose names are therein presented for a place upon the ballot, and each elector signing a petition shall add to his signature his place of residence with street and number and date of signing and may subscribe to one petition for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.

(d) The signatures of all petitioners need not be appended to one paper but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers thereto, that each person signed in his presence on the date mentioned, and that the signature is that of the person whose name it purports to be.

(e) Such petitions shall not be signed by any elector more than ninety days prior to the day of such regular election and such petition shall be filed with the election authorities not less than thirty days previous to the day of such election.

ACCEPTANCE

Sec. 47. Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy

with the election authorities not less than twenty-five days previous to such election; otherwise his name shall not appear upon the ballot.

ELECTION

Sec. 48. The candidates for election to the office of City Commissioner, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election shall be declared elected. A tie between two or more candidates for the office of City Commissioner shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

GENERAL LAWS TO APPLY

Sec. 49. All elections shall be conducted, and the results canvassed and certified, by the election authorities prescribed by the general election laws of Ohio and, except as otherwise provided by this Charter or by ordinances or resolutions of the City Commission hereafter enacted, the general election laws shall control in all such elections.

APPROPRIATIONS

THE ESTIMATE

Sec. 50. The fiscal year of the city shall begin on the first day of January. On or before the first day of November of each year the City Manager shall submit to the City Commission an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditure necessary to complete the current fiscal year.

(d) Amount of supplies and materials on hand at the date of the preparation of the inventory.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the City Commission or that the City Manager may deem advisable to submit.

(g) The recommendation of the City Manager as to the amounts to be appropriated with reasons therefore in such detail as the City Commission may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Commission for inspection by the public.

APPROPRIATION ORDINANCE

Sec. 51. Upon receipt of such estimate the City Commission shall prepare an appropriation ordinance in such form as may be prescribed by ordinance or resolution. Before finally acting upon such tentative appropriation the City Commission shall fix a time and place for holding public hearings upon the tentative appropriation, and shall give public notice of such hearings. Following the public hearings and before its final passage, the appropriation ordinance shall be published with a parallel comparison with the recommendation of the City Manager. The City Commission shall not pass the appropriation ordinance until five (5) days after its publication, nor before the second Monday in January.

REVISION OF APPROPRIATIONS

Sec. 52. If, at the beginning of the term of office of the first City Commission elected under the provisions of this Charter, the appropriations for the expenditures of the city government for the current fiscal year have been made, said City Commission shall have power by ordinance to revise, to repeal or change said appropriations and to make additional appropriations.

TRANSFER OF FUNDS

Sec. 53. Upon request of the City Manager the City Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department.

UNENCUMBERED BALANCES

Sec. 54. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriation. Any accruing revenue of the city, not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the City Commission to such uses as will not conflict with any uses for which specifically such revenues accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriations made by the City Commission, but nothing in this or the preceding section shall be construed to authorize the application of revenue derived from a public utility of the city to any other purpose than that of the utility from which the same was derived.

FRANCHISES

GRANTS LIMITED

Sec. 55. No grant, or renewal thereof, to construct and operate a public utility in the streets and public grounds of the city shall be made by the City Commission to any individual, company or corporation in violation of any of the limitations contained in this charter.

PERIOD OF GRANTS

Sec. 56. No such grant shall be exclusive, nor shall it be made for a longer period than twenty years. No such grant shall be renewed earlier than two years prior to its expiration unless the City Commission shall by a vote of at least four of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

ASSIGNMENT

Sec. 57. No such grant shall be leased, assigned or otherwise alienated except with the express consent of the City Commission.

RIGHT OF PURCHASE

Sec. 58. All such grants shall reserve to the city the right to purchase or lease all the property of the utility used in or useful for the operation of the utility, at a price either fixed in the ordinance making the grant, or to be fixed in the manner provided by such ordinance, which price shall in no event include any value for the grant. Nothing in such ordinance shall prevent the city from acquiring such property by condemnation proceedings or in any other lawful manner, which rights shall be in addition to those reserved in such ordinance. Upon the acquisition of such property by purchase, condemnation or otherwise all grants shall at once terminate.

EXTENSION BY ANNEXATION

Sec. 59. It shall be provided in every such grant that upon the annexation of any territory to the city the portion of any such utility that may be located within such annexed territory and upon the streets, alleys, or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

RIGHT OF REGULATION

Sec. 60. All grants shall be subject to the right of the city, whether in terms reserved or not, to control at all times the distribution of space in, over, under or across all streets, alleys or public grounds occupied by public utility fixtures, and, when in the opinion of the City Commission the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued; and the city shall at all times have the power to pass all regulatory ordinances affecting such utilities which in the opinion of the City Commission are required in the interest of the public health, safety or accommodation.

FORFEITURES

Sec. 61. If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the City Commission to be expressed by ordinance. All such grants shall make provision for the declara-

tion of a forfeiture by the City Commission for the violation by the grantee of any of the terms thereof.

ACCOUNTS AND REPORTS

Sec. 62. Every person or corporation operating a public utility within the city limits, whether under a grant heretofore or hereafter obtained, shall keep and maintain at some place within the city suitable and complete books of account, showing in detail the assets, financial obligations, gross revenue, net profits and all the operations of such utility which are usually shown by a complete system of bookkeeping.

Each such person or corporation, within sixty days after the end of each of its fiscal years, unless the City Commission shall extend the time, shall file with the City Commission a report for the preceding fiscal year showing the gross revenue, the net profits, expenses of repairs, betterments and additions, amount paid for salaries, amount paid for interest and discount, other expenses of operation, and such other information, if any, as the City Commission shall prescribe from time to time. If the City Commission shall prescribe the form for such reports, then such reports shall be made in the form from time to time prescribe by such City Commission.

It shall be the duty of each such person or corporation to furnish the City Commission such supplementary or special information about its affairs as the City Commission may demand; and the City Commission, or its authorized representative, shall at any and all reasonable times have access to all the books, records and papers of each and every such person or corporation, with privilege of taking copies of same or any part thereof.

The duties herein prescribed may be specifically enforced by appropriate legal proceedings; and in addition, each such person or corporation, for failure to comply with the provisions of this section, shall be liable to the City of Sandusky, Ohio, in the sum of twenty-five dollars per day for each day of such failure, to be recovered in a civil action in the name of the city.

The provisions of this section do not apply to any utility extending in its operations to other communities not properly suburban to the City of Sandusky, Ohio; but the City Commission by ordinance may make the same, or any part thereof, applicable to the portion of any such utility operated within the limits of the city.

GRANTS NOT INCLUDED

Sec. 63. Revocable permits for laying spur tracks across or along streets, alleys or public grounds, to connect a steam, electric or other railroad with any property in need of switching facilities shall not be regarded as a grant within the meaning of this charter, but may be permitted in accordance with such terms and conditions as the City Commission may by ordinance prescribe.

GENERAL PROVISION

Sec. 64. Nothing in this charter contained shall operate in any way, except as herein specifically stated, to limit the City Commission in the exercise of any of its lawful powers respecting public

utilities, or to prohibit the City Commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this charter or the constitution of the state.

INITIATIVE AND REFERENDUM

STATE LAWS TO APPLY

Sec. 65. The provisions for the Initiative and Referendum in municipal corporations, now in force or hereafter enacted, as prescribed by the general laws of the State, shall govern.

THE RECALL

RECALL PETITION

Sec. 66. Any or all members of the City Commission may be removed from office by the electors by the following procedure.

A petition for the recall of the City Commissioner or City Commissioners designated, signed by at least 10% of the total number of persons voting at the last preceding municipal election, and containing a statement of not more than two hundred words of the grounds of the recall, shall be filed with the City Treasurer and he shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least ten per cent of the number of persons voting at the last preceding municipal election and he shall forthwith notify the City Commissioner or City Commissioners sought to be removed, and he or they, within five days after such notice, may file with such City Treasurer a defensive statement in not exceeding two hundred words. The City Treasurer shall at once upon the expiration of said five days cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement, if one is furnished him within the time provided. He shall cause one copy of such petition to be placed on file in his office, and provide facilities for their signing the same, and he shall also cause one copy to be placed in each of the several fire engine houses of the city, where the same shall be in the custody of the captain of the house, who shall provide facilities for there signing the same. The City Treasurer shall immediately cause notice to be published in some newspaper of general circulation in the city of the placing of such copies of such petition.

Such copies of such petition shall remain on file in the several places designated for the period of thirty days, during which time any of them may be signed by any elector of the city in person; but not by agent or attorney. Each signer of any of such copies shall sign his name in ink or indelible pencil, and shall place thereafter his residence by street and number.

NOTICE

Sec. 67. At the expiration of said period of thirty days the City Treasurer shall assemble all of said copies in his office as one

instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least fifteen per cent of the number of persons voting at the last preceding municipal election. If such signatures do amount to such per cent, he shall at once serve notice of that fact upon the City Commissioner or Commissioners designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of registered voters who signed the same, and a certificate as to the date of his last mentioned notice to the City Commissioner or City Commissioners designated in the petition.

RECALL ELECTION

Sec. 68. If the City Commissioner or City Commissioners or any of them, designated in the petition, file with the clerk of the City Commission within five days after the last mentioned notice from the City Treasurer his or their written resignation, the clerk of the City Commission shall at once notify the election authorities of that fact and such resignation shall be irrevocable, and the City Commission shall proceed to fill the vacancy. In the absence of any such resignation the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than thirty nor more than sixty days after the expiration of the period of five days last mentioned, and at the same time as any other general or special election held within such period; but if no such election be held within such period the election authorities shall call a special recall election to be held within the period aforesaid.

BALLOTS

Sec. 69. The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of City Commissioner by recall?" Immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of each of the propositions shall be placed a square in which the electors, by making a cross mark (X), may vote for either of such propositions."

FILLING OF VACANCIES

Sec. 70. In any such election, if a majority of the votes cast on the question of removal of any City Commissioner are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by such recall shall be filled by the remainder of the City Commission according to the provisions of section five of this charter.

If, however, an election is held for the recall of more than two Commissioners, candidates to succeed them for their unexpired terms shall be voted upon at the same election, and shall be nominated by

petitions signed, dated and verified in the manner required for petitions presenting names of candidates for nomination at a regular election, and similar in form to such petitions, and signed by electors equal in number to at least five per cent of the total number of votes cast at the last preceding municipal election, and filed with the election authorities at least twenty days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for the recall, and any signatures thereon antedating such time shall not be counted.

COUNTING THE VOTES

Sec. 71. Candidates shall not be nominated to succeed any particular City Commissioner; but if only one City Commissioner is removed at such election, the candidate at such election receiving the highest number of votes shall be declared elected to fill the vacancy; and if more than one City Commissioner is removed at such election, such candidates equal in number to the number of City Commissioners removed shall be declared elected to fill the vacancies; and among the successful candidates, those receiving the greater number of votes shall be declared elected for the longer terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

EFFECT OF RESIGNATIONS

Sec. 72. No proceedings for the recall of all of the members of the City Commission at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them the City Commission shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation.

MISCELLANEOUS PROVISIONS

Sec. 73. No person removed by recall shall be eligible to be elected or appointed upon or for a period of two years after the date of such recall. The City Treasurer shall preserve in his office all papers comprising or connected with a petition for a recall for the period of one year after the same were filed. The method of removal herein provided is in addition to such other methods as are, or may be, provided by general law.

OFFENSES RELATING TO PETITIONS

Sec. 74. No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the city. No person shall sign, or knowingly permit to be signed, any petition for recall at any place other than one of the places hereinbefore designated for the signing of such petitions. Nor shall any person employ or pay another, or accept employment or payment, for circulating any initiative or referendum petition. Any person violating any of the provisions of this section shall be deemed

guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed one hundred dollars and the costs of prosecution. The foregoing provisions shall not be held to be exclusive of, but in addition to, all laws of the state prescribing penalties for the same offenses or for other offenses relating to the same matter.

MISCELLANEOUS PROVISIONS

GENERAL LAWS TO APPLY

Sec. 75. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, or with ordinances or resolutions hereafter enacted by the City Commission, shall be applicable to this city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the City Commission to enact any ordinance or resolution not in conflict with the constitution of the state or with the express provisions of this charter.

Audit and Appraisal

Sec. 76. Upon the adoption of this Charter, the City Council shall immediately cause to have made a complete audit of all of the books and offices of the City, and also shall cause to have made what is termed a perpetual or continuous annual appraisal of all of the properties both real, personal and mixed, belonging to the city. Such audit and appraisal shall be made by regularly accredited Ohio Certified Public Accountants and Appraisers. Upon the receipt and approval of said audit and appraisal they shall be filed with the City Board of Sinking Fund Trustees, and copies thereof and all renewals and additions thereto, shall thereafter be kept conveniently filed with the City Clerk and be open at all reasonable times to the inspection of the public.

On and after January 1st, 1916, it shall be the duty of the City Commission to carry out the foregoing provisions of this section in the subsequent maintenance of said perpetual appraisal, but as hereinbefore provided in Section 18 of this Charter, it shall then be the duty of the Sinking Fund Trustees to maintain said audit.

ORDINANCES CONTINUED IN FORCE

Sec. 77. All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

CONTINUANCE OF PRESENT OFFICERS

Sec. 78. All persons holding office at the time this charter is adopted shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, board or department of the city under the laws of the state, or under any city ordinance or contract in force at

the time of the taking effect of this act shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the City Commission, officer, board or department upon whom are imposed corresponding functions, powers and duties of this charter or by any ordinance or resolution of the city hereafter enacted.

CONTINUANCE OF CONTRACTS AND VESTED RIGHTS

Sec. 79. All vested rights of the city shall continue to be vested and shall not in any manner be affected by the adoption of this charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the city, be in any manner affected by the adoption of this charter, unless otherwise herein expressly provided to the contrary. All contracts entered into by the city or for its benefits prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

OATH OF OFFICE

Sec. 80. All persons before taking office shall take the oath of office prescribed by law, but the oath of office of City Commissioner shall be in writing and be filed with the city Treasurer and shall contain the affidavit that in his candidacy for nomination and election he has not violated any provision of section 4 of this charter.

HOURS OF LABOR

Sec. 81. Except in cases of extraordinary emergency, not to exceed eight hours shall constitute a day's work and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the city, whether done by contract or otherwise; and it shall be unlawful for any person, corporation or association, whose duty it shall be to employ or to direct and control the services of such workmen to require or permit any of them to labor more than eight hours in any calendar day or more than forty-eight hours in any week, except in cases of extraordinary emergency. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction be fined not to exceed five hundred dollars or be imprisoned not more than six months or both. This section shall not be construed to include policemen or firemen nor shall it be held to apply to any contract made prior to the taking effect of this charter.

AMENDMENT OF CHARTER

Sec. 82. Amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the City Commission, and, upon petition signed by ten per cent of the electors of the city setting forth any such proposed amendment, shall be submitted by such City Commission. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors at the

next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty (30) days prior to such election the Clerk of the City Commission shall mail a copy of the proposed amendment to each elector whose name appears upon the poll or registration books of the last regular municipal or general election. If such proposed amendment is approved by a majority of the electors voting thereon it shall become a part of the charter at the time fixed therein.

SAVING CLAUSE

Sec. 83. If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter, unless it clearly appear that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

WHEN CHARTER TAKES EFFECT

Sec. 84. For the purpose of nominating and electing officers and all purposes connected therewith and for the purpose of exercising the powers of the city as provided herein, this charter shall take effect from the time of its approval by the electors of the city. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes it shall take effect on the first day of January, 1916.

We, the undersigned members of the Charter Commission of the City of Sandusky, Ohio, elected at a special election held on the 30th day of July, 1913, have framed and hereby propose the foregoing as a charter for the City of Sandusky, Ohio.

Done in duplicate in the City of Sandusky, Ohio, this 15th day of April, 1914.

GEO. C. STEINEMANN, PRESIDENT

C. C. BITTNER, VICE PRESIDENT

GEO. P. MAXWELL, TREASURER .

C. B. BLISS, SECRETARY

HENRY GRAEFE, JR.

WM. G. HIRCHERT

A. H. KLOTZ

E. L. MARSH

C. R. MELVILLE

C. F. MISCHLER

EDGAR B. ROBINSON

ED. M. VIETMEIER

GEO. T. LEHRER

GEO. J. SCHADE

The Alvord & Deters Co

Sandy, Ohio



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